

12-18-01

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PATENT

Sprint Docket No. 1458

Express Mail Label No. EL674329356US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL  
(35 U.S.C. § 111 AND 37 CFR § 1.53)

Transmitted herewith for filing is the patent application of

Inventor(s): Durga P. Satapathy and John W. Linebarger

For (title): SYSTEM & METHOD FOR SELECTING SPECTRUM

1. Type of Application

- ☒ original
- ☐ design
- ☐ plant
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (C-I-P)

2. Benefit of Prior U.S. Application(s) (35 USC 120)

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

CERTIFICATE UNDER 37 C.F.R. § 1.8 and § 1.10

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 with sufficient postage:

MAILING

- ☐ 37 C.F.R. § 1.8 as first class mail.

- ☒ 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee" EXPRESS MAIL LABEL NO. EL674329356US

FACSIMILE TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Wendy Precht  
Name of Depositor

Signature

Date

Oct. 30, 2001

JC962 U.S. PTO  
10/30/01

JC979 U.S. PTO  
10/020062  
10/30/01

10020062-103001

**3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

<u>16</u>	Pages of specification
<u>11</u>	Pages of claims
<u>1</u>	Page of abstract
<u>7</u>	Pages of Declaration
<u>2</u>	Sheets of drawings (Figs. 1-4)

- ☐ identifying information has been placed on the back of each sheet of drawings.

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

**4. Additional papers enclosed**

- ☐ Preliminary Amendment  
☐ Information Disclosure Statement (37 CFR 1.98)  
☐ Form PTO-1449 (Modified) and \_\_\_ cited references  
☐ Citations  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
☐ Special Comments  
☒ Pre-addressed postal card  
☒ Power of Attorney by Assignee of Entire Interest  
☒ Request and Certification To Opt Out Of Publication Under 35 U.S.C. 122(b)(2)(B)(i)

**5. Declaration or oath**

- ☒ Enclosed

executed by (*check all applicable boxes*)

- ☒ inventor(s).  
☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43  
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ this is the petition required by 37 C.F.R. § 147 and the statement required by 37 C.F.R. § 147 is attached.

☐ Not Enclosed

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all the above-named inventor(s)*. (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e), can be filed subsequently.)

**6. Assignment**

☒ An assignment of the invention to: Sprint Communications Company L.P.

☐ as filed on \_\_\_\_\_ and recorded \_\_\_\_\_,  
reel \_\_\_\_\_, frame \_\_\_\_\_.

☒ is attached.

☐ will follow.

☒ A separate Recordation Form Cover Sheet or Form PTO-1619 is attached.

**7. Fee Calculation (37 CFR 1.16)**

A. ☒ Regular Application

**CLAIMS AS FILED**

Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	56 - 20	36 x \$ 18.00	\$ 648.00
Independent Claims (37 CFR 1.16(b))	4 - 3	1 x \$ 84.00	\$ 84.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		x \$280.00	\$ .00

☐ Amendment canceling extra claims enclosed.

☐ Amendment deleting multiple-dependencies enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 1,472.00

**8. Small Entity Statement(s)**

☐ This is a filing by a small entity under 37 CFR 1.27.

Filing Fee Calculation (50% of A, B, or C above) \$ \_\_\_\_\_

**9. Fee Payment Being Made At This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

☒ Enclosed

☒ basic filing fee \$ 1,472.00

☒ recording assignment  
(\$40.00; 37 CFR 1.21(h)) (See attached)  
Recordation Form Cover Sheet or Form PTO-1619 \$ 40.00

☐ petition fee for filing by other than all the  
inventors or person on behalf of the inventor  
where inventor refused to sign or cannot  
be reached (\$130.00; 37 CFR 1.47 and  
1.17(h)) \$ \_\_\_\_\_

☐ for processing an application with a  
specification in a non-English language.  
(\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

☐ processing and retention fee  
(\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

☐ fee for international-type search report  
(\$40.00; 37 CFR 1.21(e)) \$ \_\_\_\_\_

**Total fees enclosed** \$ **1,512.00**

**10. Method of Payment of Fees**

☐ Check(s) in the amount(s) of \$ \_\_\_\_\_

☒ Charge Account No. 21-0765 in the amount of \$ 1,512.00.  
A duplicate of this transmittal is attached.

**11. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by  
this paper and during the entire pendency of this application to Account No. 21-  
0765.

- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees).
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims).
- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration  
on a date later than the filing date of the application).
- ☐ 37 CFR 1.17 (application processing fees).
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance,  
pursuant to 37 CFR 1.311(b)).

12. **Instructions As To Overpayment**

- ☒ credit Account No. 21-0765.  
☐ refund.

13. **Incorporation by reference of added pages**

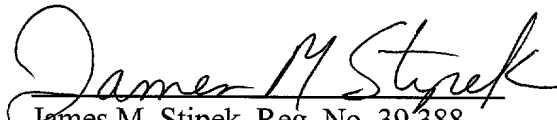
- ☐ Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed  
Number of pages added \_\_\_\_\_
- ☐ Plus Added Pages For Papers Referred To In Item 4 Above  
Number of pages added \_\_\_\_\_
- ☐ Plus "Assignment Cover Letter Accompanying New Application"  
Number of pages added \_\_\_\_\_

14. ☒ **Statement Where No Further Pages Added**

- ☒ This transmittal ends with this page.

Respectfully submitted,

LATHROP & GAGE, L.C.



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ATTORNEY OF RECORD

JMS/bjl/873355v1

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Docket No.

Applicant(s): Satapathy, et al.

1458

Serial No.

Filing Date

Examiner

Group Art Unit

Not Yet Assigned

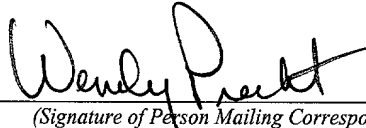
Herewith

Not Yet Assigned

Not Yet Assigned

Invention: SYSTEM &amp; METHOD FOR SELECTING SPECTRUM

I hereby certify that this New Application Transmittal (5 pages, in duplicate); New Patent Application ( 16 pages of specification, 11 pages of claims, 1 page of abstract, and 2 sheets of drawings (Figs.1-4)); Combined Declaration and Power of Attorney (7 pages); Recordation Form Cover Sheet (1 page); Assignment (3 pages); Power of Attorney By Assignee of Entire Interest (3 pages, with a copy of the Assignment attached); Request and Certification to Opt Out of Publication Under 35 U.S.C. 122(b)(2)(B)(i) (1 page); authorization to charge Deposit Account No. 21-0765 in the amount of \$1,512.00 (including \$1,472.00 for Application filing fee and \$40.00 for recordation of the assignment); authorization to charge additional fees that may be required, or credit any overpayment, to Deposit Account No. 21-0765; and a pre-addressed postcard are being mailed in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 on this 30th day of October, 2001.

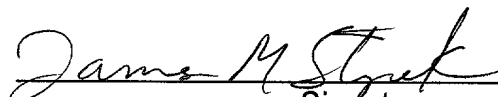
Wendy Precht*(Typed or Printed Name of person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*Express Mail No. EL674329356US*("Express Mail" Mailing Label Number)*

<b>REQUEST AND CERTIFICATION TO OPT OUT OF PUBLICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	<b>Inventor(s)</b>	<b>Durga P. Satapathy and John W. Linebarger</b>	
	<b>Title</b>	<b>SYSTEM &amp; METHOD FOR SELECTING SPECTRUM</b>	
	<b>Sprint Docket Number</b>	<b>1458</b>	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

30 October 2001

Date



Signature

James M. Stipek

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant Commissioner for Patents, Washington, DC 20231.